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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/786,537

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Manfred Horndl

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

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EXAMINER

LEWIS, MICHAEL A

ART UNIT

PAPER NUMBER

2655

11

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,537

Applicant(s)

HORNDL, MANFRED

Examiner

Michael A Lewis

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/7/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2655

DETAILED ACTION

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

1. Claims 1, 2 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroder et al. (U.S.5197052).

Schroder et al. disclose a computer, a foot switch, a coding circuit with a microphone, voice output system with speakers and an interlocking circuit for interfacing between the computer and output devices which form a dictation system. (See Fig 1)

Regarding claims 1, Schroder et al. disclose a foot-operated input means for manually inputting control information by which an audio reproduction mode of the dictating machine can be activated or deactivated. The control of the recording and playback mode is taught by the use of a dictating microphone or the playback mode through a foot switch. (Col2, Lines 37–34).

Schroder et al. disclose the audio information stored in the dictating machine can be delivered to headphones or speaker [*loudspeaker*] respectively. A voice output system is taught that converts the digital signal into analog signal corresponding to the spoken word and outputting it to a speaker [*loudspeaker*] or headphone for the user to hear. (Col 2, Lines 13–18)

Schroder et al. disclose the connection means for connecting the input unit to the computer while the control information can be delivered to the computer by the connection. An interlocking circuit is described that includes an interface to a coding circuit that is connected to an input microphone. (Col 2, Line 2).

Schroder et al. disclose the digital link can be connected to the connection means and that the connection means are arranged for receiving the audio information as digital audio data from the computer and delivering the control information as control data to the computer via a digital bus. In addition, **a headphone or loudspeaker is coupled to the foot-operated input unit**, wherein audio information from the dictation machine is delivered to headphones or loudspeakers. In the Figure 1, Schroder et al.'s apparatus is described in detail. The interlocking circuit acts as an interface to the computer. It has a voice output system that includes a digital-to-analog conversion means that receives digitally encoded audio data from the computer. The voice output system then converts the system data in a form where speakers [*loudspeakers*] or headphones can be used to hear it *[It is clear, from Fig. 1 that the speaker [including headphone or loudspeaker] and footswitch are coupled together through the internetworking unit]* (Col 8, Line 10 – 18). In addition, the interlocking circuit also controls the foot switch that is used to deliver control information to the computer for manipulation of the dictation machine. (Col 2. Line 18 –22).

As regards to Claim 2, Schroder et al. disclose the audio processing means for processing the audio information received by the connection means and the ability to for delivering an analog audio signal for headphones or speakers [*loudspeakers*] respectively. Schroder et al. describes a computer with text processing program, a voice input and voice output system which gives the advantage that a dictation recorded on a disk can be simultaneously listened to and written through a keyboard.(Col 2, Line 31). In addition,

the voice output system includes a digital-to-audio conversion means that receives audio data from the computer. The digital to analog data conversion is necessary to change the stored digital data from the computer to an electrical representation so that speakers or headphones can utilize it. (Col 2, Line10).

As regards to Claim 4, Schroder et al. disclose the arrangement for audio processing means to be delivered to speakers or headphones. A voice output system is described that converts the system data in a form where loudspeakers [*speakers*] or headphones can be used to hear it. (Col 8, Line 10 – 18). The function of speakers is widely known in the industry. A built-in speaker or speaker or loud speaker all have the same function.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder et al. (U.S. 5197052) in view of Brown et al. (U.S. 6366622).

Schroder et al. disclose a computer, a foot switch, a coding circuit with a microphone, voice output system with speakers and an interlocking circuit for interfacing between the computer and output devices which form a dictation system. (See Fig 1)

Schroder et al. do not disclose the type of arrangement or connection between the interlocking device and computer.

However, Brown et al. teach the various computer interconnections currently available in the market. Brown describes the USB (Col 4, Line 67), Home RF [*Radio Frequency*] (Col 3, Line 12) and Bluetooth (Col 3, Line 15) interconnection standards. Various connections standards have been developed over the past few years for interfacing with computers that give many advantages including higher bit rates, portability, security, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify schroder et al. digital link to include standards such as USB, Radio and Bluetooth technologies as taught by Brown et al. since these technologies would have offered the advantages of higher data rates, portability, etc. to the dictation system.

Response to Arguments

Applicant's arguments received on February 5, 2004 have been fully considered but they are not persuasive. As per the applicant's remarks to the art rejection on Pages 4 – 6 of the response, the examiner rebuts the presented arguments on the basis that the art presented does not directly pertain to the art presented in the office action.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the

state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant's arguments received on May 7, 2004 have been fully considered but they are not persuasive. The amendment to claim 1 related to the **“the headphone or loudspeaker being coupled to the foot-operated input unit”** has been shown to exist in prior art therefore the applicant's argument is invalid. All rejections related to the dependent claims will stand.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure:

Marrash et al. (US 5447089)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A Michael whose telephone number is 703 505-8730. The examiner can normally be reached on Monday through Friday, 8:30 am – 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis A Michael
Examiner
Art Unit 2655

Mal

2/10/2004



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